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**REGULAR MEETING**  
**CITY COUNCIL**  
**APRIL 1, 2004**

**ROLL CALL:**

MR. WOJCIK, MR. MAHONEY, MR. JUDGE, MR. DUNNE, MR. KROGH, MRS. COLLIER, MS. MESSICK, MR. ARMET, MRS. MAHAR DERGURAHIAN

**PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE**

**LOCAL LAW NO. 1 (INTRO #3) – REFERRED TO PUBLIC HEARING**

**ORDINANCE NO. 1**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**ORDINANCE AMENDING THE 2004 CITY BUDGET TO AUTHORIZE THE TRANSFER OF FUNDS**

The City of Troy, convened in city Council, ordains as follows:

**Section 1.** The 2004 City Budget is hereby amended to provide for the transfer of funds as provided in Schedule "A" entitled

**Budget Amendment – STEP – Police Amendment**

Which is attached hereto and made a part hereof.

**Section 2.** This act shall take effect immediately.

Approved as to form, March 2, 2004

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 1 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

**SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

**ORDINANCE NO. 2**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER DUNNE**

**ORDINANCE AUTHORIZING THE SALE OF 284 RIVER STREET, TROY, NEW YORK TO JOHN SCANLON'S MARKET BLOCK, INC.**

The City of Troy, in City Council convened, ordains as follows:

**WHEREAS, The City of Troy accepted a deed in lieu of foreclosure from Albany Center for Economic Success, Inc. dated April 28<sup>th</sup>, 2003 and recorded in the Rensselaer County Clerk's Office on May 23, 2003 in Roll 430 Frame 2319, covering premises known as 284 River Street, Troy, New York, more particularly described as follows:**

**ALL THAT TRACT OR PARCEL OF LAND, with the buildings erected thereon situate, lying and being in the Third Ward of the City of Troy, in the County of Rensselaer and State of New York, bounded and described as follows:**

**BEGINNING at a point which is 45.3 feet north of the intersection of the east line of River Street with the easterly line of the alley between Second and Third Streets, which alley is sometimes known as Franklin Street, and which point of beginning is 15 feet southwesterly from the northwest corner of a building known as Harmony Hall and runs**

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**THENCE** in a southerly direction parallel with the westerly line or brick wall of the building known as Harmony Hall 50 feet;

**THENCE** westerly at right angles with said line 15 feet;

**THENCE** northerly on a line parallel with said first or easterly boundary 50 feet; and

**THENCE** easterly along the southerly (or easterly) line of River Street 15 feet to the place of beginning, being 15 feet wide, front and rear and 50 feet deep, said premises are known by Street Number 284 River Street. **BEING** the same premises described in a deed from Albany Center for Economic Success, Inc. to the City of Troy dated April 28, 2003 and recorded May 23, 2003 in the Rensselaer County Clerk's Office in Roll 430 Frame 2319, and

**WHEREAS**, the premises were encumbered by three (3) mortgages in favor of the County of Rensselaer at the time of the above conveyance, which mortgages are described as follows:

1. Mortgage dated September 19, 1995 recorded in the office of the clerk of the County of Rensselaer in Book 2646 of Mortgages as Page 30 on September 20, 1995,
2. Mortgage dated March 27, 1997 recorded in the office of the clerk of the County of Rensselaer in Roll 58 Frame 900 on April 23, 1997.
3. Mortgage dated November 29, 1999 in the office of the clerk of the County of Rensselaer in Roll 170 Frame 598 on January 10, 2000, and

**WHEREAS**, the said three (3) mortgages were released by an instrument dated the 5<sup>th</sup> day of November, 2003, which release was recorded in the Rensselaer County Clerk's Office on December 3, 2003 in Roll 866 Frame 70, and

**WHEREAS**, The City of Troy pursuant to resolution approved as to form by Patrick T. Morphy on August 29, 2002 conveyed five (5) of the six (6) parcels known as the "Market Block" to John Scanlon's Market Block, Inc. by deed dated August 6, 2003 and recorded in the Rensselaer County Clerk's Office on August 8, 2003 in Roll 594 Frame 62, and

**WHEREAS**, The City of Troy entered into a Lease Agreement with option to purchase with John Scanlon's Market Block, Inc. dated September 15, 2003 covering premises known as 284 River Street, Troy, New York, being part of the "Market Block", and

**WHEREAS**, John Scanlon's Market Block, Inc. notified The City of Troy that it was exercising its option to purchase by letter dated November 17, 2003, receipt of which letter was acknowledged by The City of Troy by Patrick T. Morphy by letter dated December 5, 2003,

**BE IT RESOLVED** as follows:

1. That the City confirm acceptance of the deed from Albany Center for Economic Success, Inc. to The City of Troy dated April 28, 2003 and recorded in the Rensselaer County Clerk's Office in Roll 430 Frame 2319 as a deed in lieu of foreclosure pursuant to Section 1170 of the New York State Real Property Tax Law.

2. That The City of Troy convey the parcel known as 284 River Street to John Scanlon's Market Block, Inc. pursuant to the terms of the Lease Agreement between The City of Troy and John Scanlon's Market Block, Inc. dated September 15, 2003.

3. That the premises be conveyed to John Scanlon's Market Block, Inc. free and clear of all delinquent taxes and that the Treasurer/Comptroller or other designated person be directed to cancel all taxes of record pertaining to 284 River Street, Troy, New York.

Approved as to form

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 2 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

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**SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

**ORDINANCE NO. 3**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER ARMET**

**ORDINANCE AMENDING CHAPTER 188 "LITTERING"**

**CHAPTER 188 "LITTERING"**

**SEC. 188-19 (A), (B), (C) & (D)**

**OF THE TROY CODE OF ORDINANCES**

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**BE IT ENACTED, by the City Council of the City of Troy, New York, as follows:**

Section 1: Section 188-19(A) shall be replaced, in its entirety, as follows:

"A: (i) Except as provided in subsection C, any person committing an offense of any provision of this chapter shall be guilty of a violation punishable by a fine, imprisonment or both, for each offense. The fine shall be a minimum fine of \$100.00 for each occurrence, with the maximum fine not to exceed \$500.00 per offense. A sentence of incarceration shall not exceed 15 days per offense."

(ii) Except as provided in subsection C, any business or employee of a business, committing an offense of any provision of this chapter shall be guilty of a violation punishable by a fine, imprisonment or both, for each offense. The fine for the business shall be a minimum fine of \$250.00 for the first occurrence, \$1,000.00 for the third occurrence within three months of the second occurrence, and \$1,500.00 for each occurrence thereafter. The fine for the employee committing the offense shall be applied pursuant to subdivision A(i) above. The sentence of incarceration shall not exceed 15 days per offense."

Section 2: Section 188-19(B) shall be replaced, in its entirety, as follows:

"B: Every twenty-four hour period that litter is allowed to remain on public or private property in violation of Sec. 188-13 or Sec. 188-14 shall constitute a separate offense."

Section 3: Section 188-19(C) shall be replaced, in its entirety, as follows:

"C: Any person committing an offense of illegal dumping as set forth in Sec. 188-18 shall be guilty of a violation punishable by a fine, imprisonment or both, for each offense. The fine shall be a minimum fine of \$75.00 for each occurrence, with the maximum fine not to exceed \$500.00 per offense. A sentence of incarceration shall not exceed 15 days per offense."

Approved as to form March 15, 2004

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 3 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

**ORDINANCE NO. 4**

**INTRODUCED BY: COUNCIL MEMBER COLLIER**

**SECONDED BY: COUNCIL MEMBER KROGH**

**ORDINANCE AMENDING CHAPTER 195 "LOITERING" BY Renumbering Sec. 195-3 as 195-4 and amending said section and adding a new section 195-3**

**BE IT ENACTED, by the City Council of the City of Troy, New York, as follows:**

Section 195-3 of the Code of the City of Troy shall be renumbered as Section 195-4 and amended as follows:

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§ 195-4 Violations

- A. A police officer who has probable cause to believe that a child is in violation of Section 195-3 shall take such child to the police station where the child's parent or guardian will be immediately contacted. The child shall be held until the parent or guardian comes to take the child. When the parent or guardian arrives, he or she must be given a copy of this law. If no parent or guardian has arrived within two hours, the child shall be turned over to the custody of juvenile authorities until a parent or guardian can take custody of him or her.
- B. In the case of a first violation by a minor, the police shall mail the minor's parent or guardian written notice of the violation, warning them that further violations will result in the imposition of the penalty provided by law. Upon a second violation, a fine of \$100.00 and 25 hours of community service will be imposed upon the parent or guardian. Any minor who violates Section 195-3 three or more times shall be turned over to the custody of juvenile authorities until a parent or guardian can take custody of him or her.
- C. Obstruction of persons is a violation.

Section 195-3 shall be added to Chapter 195 of the Code of the City of Troy as follows:

§ 195 Restrictions

- A. It shall be unlawful for any child under the age of eighteen years to remain upon any public street, sidewalk, highway, vacant lot or public place that is within two thousand feet of any school between the hours of 7:00 a.m. and 4:00 p.m. on days when school is in session.
- B. The following shall constitute valid exceptions to this restriction:
  - (1) At any time if the child is accompanied by his or her parent, legal guardian or other responsible person who is 21 years of age or older and approved by the child's parent or legal guardian; and
  - (2) If the child is going or coming directly from a school activity.

Approved as to form, March 15, 2004

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 4 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

**ORDINANCE NO. 5**

**INTRODUCED BY: COUNCIL MEMBER MESSICK**

**REFERRED TO PLANNING COMMISSION**

**ORDINANCE NO. 6**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**AMENDED ORDINANCE DETERMINING THAT THE PAVING, GRADING, REPAIRING,  
RECONSTRUCTION AND RESURFACING OF CERTAIN PUBLIC STREETS CONSTITUTE A  
PUBLIC IMPROVEMENT PURSUANT TO SECTIONS 9.02 AND 9.03 OF THE CITY CHARTER**

The City of Troy, convened in City Council, ordains as follows:

Section 1. Pursuant to Sections 9.02 and 9.03 of the City Charter, the paving, grading, repair, reconstruction and resurfacing of streets described in Schedule "A" entitled:

"CITY OF TROY, NEW YORK  
2004 PUBLIC IMPROVEMENT PROGRAM"

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which is attached hereto and made a part hereof, are hereby determined to be public improvements. Such improvements shall constitute a City expense.

Section 2. This ordinance shall take effect immediately.

Approved as to form, March 15, 2004

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 6 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**ORDINANCE NO. 7**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER ARMET**

**ORDINANCE AUTHORIZING THE DISCONTINUANCE AND CLOSING OF A PORTION OF  
HARRISON AND WILLOW STREETS**

The City of Troy in City Council convened, ordains as follows:

Section 1. The City of Troy hereby authorizes the discontinuance and closing of a portion of Harrison Street and a portion of Willow Street, more particularly described in Schedule “A” annexed hereto and made a part hereof.

Section 2. This Ordinance shall take effect immediately.

Approved as to form, March 31, 2004

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 7 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**ORDINANCE NO. 8**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**ORDINANCE AUTHORIZING AND APPROVING THE SALE OF CERTAIN REAL PROPERTY IN  
THE CITY OF TROY**

The City of Troy, in City Council convened, ordains as follows:

Section 1. The hereinafter described city-owned property acquired through foreclosure of tax liens is not needed for public purpose.

Section 2. The Public Auction of the hereinafter described city-owned property, held on the **12<sup>th</sup> day of February, 2004**, at Chambers of the City Council, City Hall and conducted by Collar City Auctions & Realty, Inc., is hereby ratified.

Section 3. The highest bid received at said public auction in the amount of \$55,000.00, is hereby approved and accepted.

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Section 4. The Mayor is hereby empowered to execute and deliver to said bidder or bidders a **deed** for said premises hereinafter described.

PURCHASER: **Mario L. Abate  
122 Fourth Street  
Troy, NY 12180**

TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance, the purchaser shall pay the purchase price and payment in lieu of City taxes through **December 31, 2004** and School taxes through **June 30, 2004**.
- B. Upon the **1<sup>st</sup> day of January, 2005**, taxes and other assessments shall become due and payable by the purchaser except all water and sewer rents which shall be charged from the date of this conveyance.
- C. This conveyance is made subject to the condition that the **structure be repaired** in conformance with the building, housing and fire prevention codes within six (6) months after the date of the deed. If the purchaser, his successor, or assigns shall fail to comply with this condition the City of Troy has a right to re-enter the property without refunding the purchase price.

Section 4. The said real property is described as follows:

Ward/Plate: **0203640**

Tax Map # **101.61-7-20**

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sales certificates now in existence except water and sewer rents which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 7. This ordinance shall take effect immediately.

Approved as to form, March 10, 2004

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 8 PASSED – AYES 6 NOES 3 (Noes: Dunne, Mesick, DerGurahian)**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 1**

**INTRODUCED BY: COUNCIL PRESIDENT MAHAR DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**AMENDED RESOLUTION APPOINTING COMMISSIONERS OF DEEDS**

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing April 1, 2004 through March 31, 2006:

Joyce Sullivan, Congress & Second Street, Troy, NY

Cydne Brearton, 1 Monument Square, Troy, NY

Thomas W. Wade, 245 Fifth Avenue, Troy, NY

Catherine Conroy, 549 Fifth Avenue, Troy, NY

Richard W. Carley, 12 Adars Road, Troy, NY

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Michael P. Manupella, 107 Calhoun Drive, Troy, NY

Phylis M. Raymond, 738 Third Avenue, Troy, NY

DianaLynn Connelly, 2215 Burdett Avenue, Troy, NY

Approved as to form, March 11, 2004

John P. Hicks, Corporation Counsel

**AMENDED RESOLUTION NO. 1 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Not Endorsed, Returned 04/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 2**

**INTRODUCED BY: COUNCIL PRESIDENT MAHAR DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER KROGH**

**RESOLUTION RATIFYING CONTRACT WITH THE RENSSELAER COUNTY PROBATION  
DEPARTMENT (“RCPD”)**

WHEREAS, the City of Troy and the Rensselaer County Probation Department are desirous of extending the Cost Reimbursement Agreement, a copy of which is annexed hereto; and

WHEREAS, the City of Troy believes it is in its best interest to extend said Agreement.

NOW, THEREFORE BE IT RESOLVED, that the City of Troy enter into an extension agreement with Rensselaer County Probation per the terms of the agreement annexed hereto; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Troy be authorized to execute any and all documents necessary to effect said agreement.

Approved as to form, March 11, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 2 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 3**

**INTRODUCED BY: COUNCIL PRESIDENT MAHAR DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER COLLIER**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NEW  
YORK STATE GOVERNOR’S TRAFFIC SAFETY COMMITTEE FOR THE SELECTIVE TRAFFIC  
ENFORCEMENT (STEP) PROGRAM**

WHEREAS, the New York State Governor’s Traffic Safety Committee Administers federal funds for the Selective Traffic Enforcement (STEP) program; and

WHEREAS, the Governor’s Traffic Safety Committee has offered the City of Troy \$17,500 in grant funds to provide additional police patrols and equipment necessary to reduce the number of aggressive drivers on the City’s streets; now therefore,

BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is herein authorized to execute a grant agreement with the New York State Governor’s Traffic Safety Committee to provide additional police patrols and equipment necessary to reduce the number of aggressive drivers on the City’s streets.

Approved as to form, March 12, 2004

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John P. Hicks, Corporation Counsel

**RESOLUTION NO. 3 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 4**

**INTRODUCED BY: COUNCIL PRESIDENT MAHAR DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER DUNNE**

**RESOLUTION OF SUPPORT FOR THE ELIMINATION OF THE SUNSET PROVISIONS OF THE  
LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) AND THE  
CULTURAL EDUCATION FUND (CEF)**

Whereas, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

Whereas, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

Whereas, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

Whereas, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005, and

Whereas, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

Whereas, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

Whereas, the City of Troy has benefited from technical assistance, training, publications and 14 grants totaling \$476,462.00, supported by the LGRMIF, and

Whereas, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

Whereas, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of The City of Troy, and to the cultural and scientific needs of the people of New York State, therefore,

Be it resolved that the City of Troy, New York supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

Approved as to form, March 11, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 4 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION



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**RESOLUTION NO. 5**

**MOTION TO ADD LEGISLATION ONTO AGENDA**

**INTRODUCED BY: COUNCIL MEMBER WOJCIK**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**MOTION PASSED – UNANIMOUS**

**MOTION TO MOVE TO EXECUTIVE SESSION; COUNCIL MEMBER WOJCIK**

**SECONDED BY: COUNCIL MEMBER MESSICK**

**MOTION PASSED - UNANIMOUS**

**INTRODUCED BY: COUNCIL MEMBER WOJCIK**

**SECONDED BY: COUNCIL MEMBER ARMET**

**RESOLUTION OFFERING SETTLEMENT OF LITIGATION BETWEEN THE CITY OF TROY AND STEWART GALLAGHER**

**WHEREAS**, the City of Troy and Stewart Gallagher are parties to certain litigation in Supreme Court, Rensselaer County, Index Number 20694, and

**WHEREAS**, the City of Troy and Stewart Gallagher, by and through their respective counsel have negotiated a settlement of said litigation, and

**WHEREAS**, the City of Troy believes it is in its best interest to accept said settlement.

**NOW, THEREFORE BE IT RESOLVED**, that the City of Troy enter into a Settlement Agreement with Stewart Gallagher per the terms of the Agreement annexed hereto; and

**BE IT FURTHER RESOLVED**, that the Mayor of the City of Troy be authorized to execute any and all documents necessary to effect said Agreement.

Approved as to form, April 1, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 5 PASSED – UNANIMOUS**

To Mayor, 4/5/04 for Executive Action – Approved, Returned 04/15/04

**SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

**Meeting adjourned at 9:35pm in honor of Jay Murnane.**